

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

)	234601
)	ENTERED
TOTAL PETROCHEMICALS &)	Office of Proceedings
REFINING USA, INC.)	July 30, 2013
)	Part of
Complainant,)	Public Record
)	
v.)	Docket No. NOR 42121
)	
CSX TRANSPORTATION, INC.)	
)	
Defendant.)	
)	

**COMPLAINANT’S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL REPLY TO
PETITION FOR RECONSIDERATION OF CSX TRANSPORTATION, INC.**

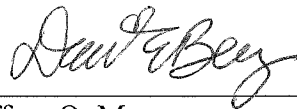
Total Petrochemicals & Refining USA, Inc. (“TPI”), hereby requests leave to file the attached “Supplemental Reply to Petition for Reconsideration of CSX Transportation, Inc.” (“Supplemental Reply”). TPI filed “Complainant’s Reply to Petition for Reconsideration of CSX Transportation, Inc.” on July 24, 2013 (“TPI Reply”). The TPI Reply responded to arguments that defendant, CSX Transportation, Inc. (“CSXT”), made in its June 20, 2013 Petition for Reconsideration (“CSXT Petition”). On July 24, 2013, CSXT also filed its Reply to TPI’s Petition for Reconsideration (“TPI Petition”), in which CSXT asserted new arguments in support of its own Reconsideration Petition to which TPI has had no opportunity to respond. TPI, therefore, requests leave to file the attached “Supplemental Reply” in response to those new arguments.

Specifically, in Part II of its Reply (pp. 8-10) to TPI's Petition, CSXT uses its response to TPI's second point on reconsideration (see TPI Petition, pp. 11-12) to support Part VI of CSXT's

Petition. In Part VI, CSXT challenged the Board's reliance upon {{ [REDACTED] }} in the May 31, 2013 market dominance decision in this proceeding. The title of Part VI is {{ [REDACTED] }}. Similarly, the title of Part II in CSXT's Reply to the TPI Petition is "TPI's Lane-Specific Argument Demonstrates the Irreparable Flaws of Its {{ [REDACTED] }}." These clearly are the same issue.

Because CSXT significantly misrepresents the movement for Lane B-112, which is the subject of TPI's Petition, in order to support CSXT's own Petition, TPI seeks to respond to those distortions in the attached Supplemental Reply. The Supplemental Reply is narrowly limited to just that issue. The Board should grant this Motion in the interest of both promoting procedural fairness and reaching an informed decision based upon a complete and accurate record.

Respectfully submitted,



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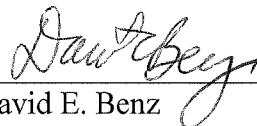
July 30, 2013

CERTIFICATE OF SERVICE

I hereby certify that this 30th day of July 2013, I served a copy of the foregoing upon counsel for defendant CSXT via electronic mail, and first-class mail postage pre-paid at the address below:

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